Google Inc. et al v. Egger et al
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EXHIBIT 1

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Retroactive Limitations On Causes Of Actions Or Remedies Applied To Pending Cases

Legislation	**Description/Operative Language**	**Applicability to Pending Cases**
Y2K Act, Pub. L. No. 106-37, 113 Stat 185, 15 U.S.C. §§ 6601-6617 (July 20, 1999)	Among other things, limited damages available and imposed heightened pleading standard in actions arising from Year 2000 computer problems.	*Medimatch, Inc. v. Lucent Techs. Inc.*, 120 F. Supp. 2d 842, 848 (N.D. Cal. 2000) (finding Y2K Act applied retroactively and controlled parties and allegations in case where plaintiff's original complaint was filed "prior to enactment of the Act, but subsequent to the date of the Act's retroactivity provision")
Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, § 802, 110 Stat. 1321, 1321-66 to -70, 18 U.S.C. § 3626 (Apr. 26, 1996)	Established standards for termination of existing orders imposing prospective injunctive relief in civil actions challenging prison condition and provided for automatic stay of injunctions starting 30 days following filing of a motion to terminate the injunction.	*Miller v. French*, 530 U.S. 327, 331 (2000) (applying PLRA to "litigation began in 1975").
Treasury, Postal Service and General Government Appropriations Act, 1996, Pub. L. No. 104-52, tit. I, 109 Stat. 468, 468-69 (Nov. 19, 1995)	Amendment to § 640 limited ability of certain Federal employees to take advantage of extended statute of limitations for FLSA claims.	*Adams v. Hinchman*, 154 F.3d 420 (D.C. Cir. 1998) (per curiam) (affirming in part entry of summary judgment against plaintiffs in case filed before amendment).

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1995 Amendment to Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 104-49, § 1(a), 109 Stat. 432, 432, 29 U.S.C. § 1854(d)(1) (Nov. 15, 1995)	Mandated that "where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker, the workers' compensation benefits shall be the exclusive remedy" for death or injury of the worker. 29 U.S.C. § 1854(d)(1).	*Deck v. Peter Romein's Sons, Inc.*, 109 F.3d 383, 386-90 (7th Cir. 1997) (affirming retroactive application to case pending at time of amendment).
Defense Mapping Agency Immunity, Pub. L. No. 103-337, § 1074, 108 Stat. 2663, 2861, 10 U.S.C. § 456 (previously codified at 10 U.S.C. § 2798) (Oct. 5, 1994)	"No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the Defense Mapping Agency." Pub. L. No. 103-337, § 1074(b).	*Hyundai Merchant Marine Co. v. United States*, 888 F. Supp. 543 (S.D.N.Y. 1995) (dismissing case filed before law enacted), *aff'd*, 75 F.3d 134 (2d Cir. 1996).
Negotiated Rates Act of 1993, Pub. L. No. 103-180, § 2, 107 Stat. 2044, 2044-47, 49 U.S.C. § 10701(f) (Dec. 3, 1993)	Among other things, exempted small businesses from undercharge suits by trucking carriers based on difference between carrier rates filed with Interstate Commerce Commission and rates negotiated by the carriers. 49 U.S.C. §	*In re Jones Truck Lines, Inc.*, 57 F.3d 642, 645 (8th Cir. 1995) (describing purpose of Act was, in part, to address already filed cases).

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	10701(f)(9).	
Amendment to Federal Employees Liability Reform and Tort Compensation Act of 1988 (the "Westfall Act"), Pub. L. No. 100-694, § 6, 102 Stat. 4563, 4564-65, 28 U.S.C. § 2679 (Nov. 18, 1988)	Substituted the United States as a party defendant in tort cases upon certification by the Attorney General that the defendant employee was acting within the scope of his employment at the time the incident out of which the claim arose. 28 U.S.C. § 2679(d)(1).	*Arbour v. Jenkins*, 903 F.2d 416, 420 (6th Cir. 1990) (holding Westfall Act should be applied retroactively to plaintiff's claims and remanding for further proceedings); *Salmon v. Schwarz*, 948 F.2d 1131, 1142-44 (10th Cir. 1991) (same); *Sowell v. Am. Cyanamid Co.*, 888 F.2d 802, 805 (11th Cir. 1989) (giving statute retroactive effect and ordering district court to enter judgment for substituted defendant); *see also Lunsford v. Price*, 885 F.2d 236, 241 (5th Cir. 1989) (giving statute retroactive effect and affirming entry of summary judgment against plaintiffs, substituting the Tennessee Valley Authority as party defendant pursuant to Pub. L. No. 100-694, § 9).
Price-Anderson Amendments Act of 1988, Pub. L. No. 100-408, § 11(b), 102 Stat. 1066, 1076, 42 U.S.C. § 2014(hh) (Aug. 20, 1988)	Among other things, required application of "the law of the State in which [a] nuclear incident . . . occurs" to claims arising from nuclear accidents. 42 U.S.C. § 2014(hh).	*In re TMI*, 89 F.3d 1106 (3d Cir. 1996) (affirming grant of summary judgment against plaintiffs based on retroactive application of Pennsylvania statute of limitations to cases filed before amendment).

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1985 Amendment of Fair Labor Standards Act Exempting States and Municipalities, Pub. L. No. 99-150, § 2(c), 99 Stat. 787, 788, 29 U.S.C. § 216 note (Nov. 13, 1985)	"No State, political subdivision of a State, or interstate governmental agency shall be liable under section 16 of the [FLSA] for a violation of . . . such Act occurring before April 15, 1986 . . . ." Pub. L. No. 99-150, § 2(c).	*Austin* v. *City of Bisbee*, *Az.*, 855 F.2d 1429, 1434-37 (9th Cir. 1988) (affirming entry of summary judgment against plaintiffs based on retroactive application of amendment to case filed before enactment).
Supplemental Appropriations and Rescission Act, 1980, Pub. L. No. 96-304, 94 Stat. 857, 902-03 (July 8, 1980)	To moot certain suits challenging the allocation of federal highway funds, Congress set statutory distribution formula and obligational ceiling for fiscal year 1980. *See* H.R. Rep. No. 96-1149, at 56-57 (1980) (Conf. Rep.).	*Arkansas ex rel. Arkansas State Highway Comm'n v. Goldschmidt*, 627 F.2d 839, 842-43 (8th Cir. 1980) (per curiam) (vacating order and judgment of district court in favor of state against defendant Secretary of Transportation given passage of legislation rendered state's complaint moot).

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Portal-to-Portal Act of 1947, ch. 52, § 2, 61 Stat. 84, 85-86, 29 U.S.C. § 252 (May 14, 1947)	"No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended [29 U.S.C. § 201 et seq.], the Walsh-Healey Act [41 U.S.C. § 35 et seq.], or the Bacon-Davis Act [40 U.S.C. § 276a et seq.] (in any action or proceeding commenced prior to or on or after May 14, 1947), on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any activity of an employee engaged in prior to May 14, 1947, except" under certain enumerated circumstances. 29 U.S.C. § 252(a).	*Battaglia v. General Motors Corp.*, 169 F.2d 254, 255 (2d Cir. 1948) ("While these suits were pending without adjudication, Congress enacted the Portal-to-Portal Act of 1947 . . . ."); *149 Madison Avenue Corp. v. Asselta*, 331 U.S. 795 (1947) (per curiam) (granting motion to modify its prior judgment (331 U.S. 199) and remanding to the district court in light of Congress' subsequent enactment of the Portal-to-Portal Act); *Asselta v. 149 Madison Ave. Corp.*, 90 F. Supp. 442, 443 (S.D.N.Y. 1950) (explaining procedural history).